

LEGISLATURE OF THE STATE OF IDAHO
Sixty-second Legislature First Regular Session - 2013

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 118

BY TRANSPORTATION AND DEFENSE COMMITTEE

AN ACT

RELATING TO REGISTRATION OF AIRCRAFT; AMENDING SECTION 21-114, IDAHO CODE,
TO REVISE A REGISTRATION FEE, TO REVISE A TERM, TO PROVIDE FOR A MINIMUM
AND MAXIMUM FEE AND TO MAKE TECHNICAL CORRECTIONS.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. That Section 21-114, Idaho Code, be, and the same is hereby
amended to read as follows:

21-114. REGISTRATION OF PILOTS AND AIRCRAFT -- REQUISITES. (a) Pilot
Registration -- Fees. Subject to the limitation of subsections (c) and (d)
of this section, the department is authorized to require that every indi-
vidual who pilots an aircraft within this state is to register with the de-
partment and to renew such registration every other year thereafter in which
he pilots an aircraft within this state. The department may charge for each
such registration, and for each biennial renewal thereof, a fee of twelve
dollars (\$12.00). Such income shall be used for department expenses associ-
ated with search and rescue of lost aircraft and airmen and for pilot safety
programs. Search and rescue coordination shall be under the direction and
supervision of the chief of the bureau of homeland security within the mili-
tary division, with aerial search operations coordinated by the department,
division of aeronautics.

(b) Aircraft Registration -- Fees.

(1) Private Aircraft. Subject to the limitations of subsections (c)
and (d) of this section, every aircraft operating within this state
and/or holding a currently valid airworthiness certificate and a cur-
rently valid annual inspection or progressive inspection system issued
by the appropriate federal agency, shall be registered with the de-
partment prior to or during each annual registration year in which the
aircraft is operated within this state. The annual registration year
shall commence on the date provided by regulation, and the holding of a
currently valid airworthiness certificate and a currently valid annual
inspection or progressive inspection system issued by the appropriate
federal agency shall be considered prima facie evidence that the air-
craft is operating within this state. The department shall charge for
each such registration, and for each annual renewal thereof, ~~the~~ fees at
the rate of ~~one~~ three cents (13¢) per pound of gross weight authorized
in the aircraft listing, aircraft specification or type certificate
data sheet of said aircraft issued by the federal aviation ~~agency~~
administration, and in no case to be less than twenty dollars (\$20.00)
and not to exceed two ~~six~~ hundred dollars (\$2600) upon any one (1) air-
craft, provided that such fee shall be in lieu of all personal property
taxes on such aircraft.

1 Registration certificates shall be kept in the aircraft at all times.
2 In addition to the registration certificate, an identifying decal shall
3 be issued and placed on the left side of the aircraft either upon the
4 vertical stabilizer thereof or upon a window nearest to the rear of the
5 aircraft, fully visible from the outside of the aircraft.

6 Aircraft shall only be registered prior to or during the current
7 annual registration year. There shall be no registration of aircraft
8 for any registration period which is prior to the current registration
9 year. Registration certificates issued after expiration of the first
10 six (6) months of the current annual registration year, as prescribed by
11 the department, shall be issued at the rate of fifty percent (50%) of the
12 annual fee. Those aircraft that have been found in violation of the pro-
13 visions of this section after the first six (6) months will pay the full
14 year's fee.

15 (2) Manufacturers and Dealers License. It shall be unlawful for any
16 person to carry on or conduct the business of buying, selling, or deal-
17 ing in aircraft unless registered with the department, as such manufac-
18 turer or dealer. Any manufacturer or dealer in aircraft owning, having
19 an interest in, or having in his possession an aircraft for the purpose
20 of sale, shall upon the registration and payment of fees as in this ~~act~~
21 chapter required, acquire one (1) registration certificate which shall
22 bear the distinctive registration number issued to such manufacturer
23 or dealer, and any number of identifying decals. The registration cer-
24 tificate shall be kept at the main office of the manufacturer or dealer
25 and an identifying decal shall be placed upon the left side of every air-
26 craft that the manufacturer or dealer may have an interest in which is
27 held for sale, ~~on the left side thereof~~ either upon the vertical stabi-
28 lizer or upon a window nearest to the rear of the aircraft.

29 An identifying decal issued to a manufacturer or dealer during the
30 calendar year for which issued can be transferred from an aircraft
31 no longer in the possession of the dealer or manufacturer for sale or
32 demonstration to one acquired for the purpose of sale or demonstration
33 during the calendar year.

34 No identifying decal issued to a manufacturer or dealer as herein
35 provided may be transferred to an aircraft owned or in the possession of
36 such manufacturer or dealer when such aircraft is used solely for com-
37 mercial purposes.

38 The fee to be paid by a manufacturer or dealer in aircraft shall be
39 forty dollars (\$40.00) for the registration certificate and one dol-
40 lar (\$1.00) for each identifying decal issued to such manufacturer or
41 dealer.

42 (c) Requirements for Registration, Issuance of Certificate. Posses-
43 sion of the appropriate effective federal certificate, permit, rating or
44 license relating to competency of the pilot or ownership and airworthiness
45 of the aircraft, as the case may be, and payment of the fee duly required
46 pursuant to the provisions of this section shall be the only requisites
47 for registration of a pilot or an aircraft under this section. Registra-
48 tion shall be effected by filing with the department a written statement
49 containing the information reasonably required by the department for such
50 purpose. It shall not be necessary for the registrant to provide the depart-

ment with originals or copies of federal certificates, permits, ratings or licenses. The department may issue certificates of registration, or such other evidences of registration or payment of fees as it may deem proper, and in connection therewith may prescribe requirements for the possession and exhibition of such certificates or other evidences similar to the requirements of section 21-113(b), Idaho Code, for the possession and exhibition of federal airman and aircraft certificates, permits, ratings or licenses. Failure to register, if required, shall be unlawful.

(d) Exemptions. The provisions of this section shall not apply to:

(1) An aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(2) An aircraft which is owned by a bona fide nonresident of this state; provided, however, that this exemption shall not apply to such aircraft operated in the transportation of persons or property for hire, in dusting, seeding, or spraying for hire, or in any other activity for hire in this state, whether such aircraft so operated be engaged casually or continuously;

(3) An aircraft engaged principally in commercial airline or air freight flying constituting an act of interstate or foreign commerce while operating under a certificate, permit or license issued by the appropriate agency of the United States government;

(4) An individual piloting an aircraft owned by, and used exclusively in the service of, any government or any political subdivision thereof, including the government of the United States, any state, territory, or possession of the United States, or the District of Columbia, which is not engaged in carrying persons or property for commercial purposes;

(5) An individual piloting any aircraft registered under the laws of a foreign country;

(6) A bona fide nonresident of this state piloting aircraft in this state; provided, however, that this exemption shall not apply to any nonresident piloting an aircraft in this state for hire whether such nonresident is so engaged casually or continuously;

(7) An individual piloting an aircraft engaged principally in commercial airline or air freight flying constituting an act of interstate or foreign commerce, while such aircraft is being operated under a certificate, permit or license issued by the appropriate agency of the United States government;

(8) An individual operating model aircraft;

(9) An individual piloting an aircraft which is equipped with fully functioning dual controls when a properly certified pilot is in full charge of one (1) set of said controls and such flight is solely for instruction or for the demonstration of said aircraft to a bona fide prospective purchaser.

(e) Transfer of Aircraft. When the ownership of an aircraft registered under the provisions of this section is transferred, the new owner will be required to register the aircraft under the provisions of this section. If the transferor wishes to register another aircraft he shall pay the regis-

1 tration fee required by this section less the amount of registration fee al-
2 ready paid on the aircraft which was sold, or if the transferor shall have an
3 aircraft to be registered with a useful load less than the aircraft that was
4 sold, he shall pay a transfer fee of one dollar (\$1.00).